

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)
)
EAGLE PROPERTIES AND) Bankruptcy Case
INVESTMENTS, LLC,) No. 23-10566-KHK
) Chapter 7
Debtor.)
_____)

**AMENDED ORDER APPROVING SALE OF 2565 (F) AND 2567 (E) CHAIN BRIDGE
ROAD, VIENNA, VA FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS
PURSUANT TO 11 U.S.C. § 363(f)**

UPON CONSIDERATION of the motion (Docket No. 492) (“Motion”) of H. Jason Gold, chapter 7 trustee (“Trustee”), to approve the sale of the property commonly known as 2565 (F) (the “2565 (F) Property”) and 2567 (E) Chain Bridge Road, Vienna, VA (the “2567 (E) Property” and together, with the 2565 (F) Property, the “Property”); and the Trustee having filed a Supplement to the Motion on June 17, 2024 (Docket No. 503); and it appearing that proper and adequate notice of the Motion has been given and that no further notice is necessary; and it appearing that the sale of the Property as set forth in the Motion is in the best interest of the estate and its creditors, and it further appearing that based upon the endorsements of counsel set forth below that LINKBANK and Bala Jain, LLC have consented to the sale of the Property as set forth herein, and that the Property may be sold free and clear of the lien of the First Deed of Trust held by LinkBank dated August 25, 2020, and recorded on August 26, 2020, in Deed Book 26452 at Page 0080; along with the Assignment of Leases and Rents recorded in Deed Book 26452 at Page 0088, provided that LinkBank receives the net proceeds from each sale after payment in full of

Dylan G. Trache, Va. Bar No. 45939
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, Suite 900
Washington, DC 20001
(202) 689-2800
Counsel to the Chapter 7 Trustee

all past due condo fees, past due real estate taxes, commissions, closing costs, reimbursements, prorations, \$1,000 seller credit, Bankruptcy Estate Payment and the 326(a) Trustee Commissions; and that the property may be sold free and clear of the lien of the Second Deed of Trust held by Bala Jain, LLC in the amount of \$500,000.00, dated November 30, 2020, and recorded on February 16, 2021, in Book 26891 at Page 0515, accordingly:

IT IS HEREBY ORDERED THAT:

1. The Motion as supplemented is GRANTED.
2. The Trustee is authorized to sell the 2565 (F) Property to BEKK Holdings LLC and the 2567 (E) Property to Pure Wellness Lifestyle LLC¹ (the “Purchaser”) for the aggregate sale price of \$830,000.00 consistent with the sales contract attached to the Motion as Exhibit A free and clear of all liens, claims encumbrances and interests, including those of LINKBANK and Bala Jain, LLC.
3. The Trustee is authorized to pay the secured claim of LINKBANK as set forth in

¹ The Property has the following legal description:

Condominium Unit 2-E of the Vienna Oaks Office Condominium, as the same is more particularly described in the Declaration recorded in Deed Book 5724 at Page 790 and any amendments thereto recorded among the Land Records of Fairfax County, Virginia.

TOGETHER WITH a 9.420 percentage interest in the common elements and subject to the terms and conditions of the Declaration, Exhibits Plats and Plans and By-Laws recorded in Deed Book 5724 at Page 790.

The improvements thereon being known as 2567 Chain Bridge Road, Suite 2-E, Fairfax, VA 22030

AND

Condominium Unit 2-F of the Vienna Oaks Office Condominium, as the same is more particularly described in the Declaration recorded in Deed Book 5724 at Page 790 and any amendments thereto recorded among the Land Records of Fairfax County, Virginia.

TOGETHER WITH a 9.420 percentage interest in the common elements and subject to the terms and conditions of the Declaration, Exhibits Plats and Plans and By-Laws recorded in Deed Book 5724 at Page 790.

The improvements thereon being known as 2567 Chain Bridge Road, Suite 2-F, Fairfax, VA 22030

the draft ALTAs attached collectively hereto as Exhibit A ("ALTA").

4. Closing on the Property shall be conducted contemporaneously.
5. At closing on the Property, the Trustee shall receive, for the benefit of the estate the total sum of \$24,900.00 representing his commission under Section 326 of the Bankruptcy Code plus \$41,500.00 as additional consideration for the bankruptcy estate free and clear of all liens, claims and interests.
6. The Trustee is authorized to pay a three percent (3%) commission to his broker Century 21 Commercial New Millennium at closing for services rendered in representing the Trustee in connection with the sale.
7. The Trustee is authorized to pay a three (3%) commission to Verity Commercial, LLC at closing for services rendered in representing the Purchaser in connection with the sale.
8. The Trustee is authorized to pay all outstanding real estate taxes and other customary closing costs consistent with the ALTA.
9. The Trustee is authorized to reimburse Auction Markets, LLC at closing in an amount not to exceed \$1,000.00 for any property preservation expenses, as needed, including utilities, insurance, maintenance, repairs and trash removal.
10. This Order may be recorded in the land records wherein the subject Property is located.
11. This Court retains jurisdiction with respect to any disputes regarding the Property following the sale.
12. This Order shall be effective immediately and shall not be subject to the stay provided in Federal Rule of Bankruptcy Procedure 6004(h) or any other applicable stay.

Dated: Jul 30 2024

/s/ Klinette H Kindred
United States Bankruptcy Judge

PREPARED BY:

Entered On Docket: Jul 30 2024

NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001
Tel: (202) 689-2800
Fax: (202) 689-2860
Email: dylan.trache@nelsonmullins.com

By: /s/ Dylan G. Trache
Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

SEEN AND AGREED:

BLANKINSHIP & KEITH, P.C.
4020 University Drive, Suite 300
Fairfax, Virginia 22030
Tel: (703) 691-1235
Fax: (703) 691-3913

By: /s/ James R. Meizanis, Jr. (by DGT with authority)
Jeremy B. Root, (VA Bar No. 65885)
James R. Meizanis, Jr. (VA Bar 80692)

Counsel to LINKBANK

SEEN:

ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176
Phone No. (703) 777-8850
Fax No: (703) 777-8854
E-mail: crogan@RMZLawFirm.com

BY: /s/Christopher L. Rogan (by DGT with authority)
Christopher L. Rogan (Bar No. 30344)

Attorneys for Bala Jain, LLC

CERTIFICATION PURSUANT TO LOCAL RULE 9022-1(C)

I HEREBY CERTIFY that this Order has been endorsed by all necessary parties.

/s/ Dylan G. Trache

Dylan G. Trache

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY
PURSUANT TO LOCAL RULE 9022-1

Dylan G. Trache
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001

Michael Freeman
OFFICE OF THE UNITED STATES TRUSTEE
1725 Duke Street, Suite 650
Alexandria, Virginia 22314

Stephen Karbelk
Team Leader, RealMarkets
Century 21 New Millennium
Century 21 Commercial New Millennium
6629 Old Dominion Drive
McLean, VA 22101

Lisa Bittle Tancredi
WOMBLE BOND DICKINSON (US) LLP
100 Light Street, 26th Floor
Baltimore, MD 21202

Justin Fasano
MCNAMEE, HOSEA, P.A
6404 Ivy Lane, Suite 820
Greenbelt, MD 20770

Christopher Rogan
ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176

In re:
Eagle Properties and Investments LLC
Debtor

Case No. 23-10566-KHK
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0422-9
Date Rcvd: Jul 30, 2024

User: TaiGlennB
Form ID: pdford9

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Total Noticed: 4

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 01, 2024:

| Recip ID | Recipient Name and Address |
|----------|---|
| + | Lisa Bittle Tancredi, Womble Bond Dickinson (US) LLP, 100 Light Street, 26th Floor, Baltimore, MD 21202-1153 |
| RE | + Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 6629 Old Dominion Dr, McLean, VA 22101-4516 |

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

| Recip ID | Notice Type: Email Address | Date/Time | Recipient Name and Address |
|----------|---|----------------------|---|
| smg | + Email/Text: ustpregion04.ax.ecf@usdoj.gov | Jul 31 2024 00:26:00 | UST smg Alexandria, Office of the U. S. Trustee, 1725 Duke Street, Suite 650, Alexandria, VA 22314-3489 |
| prof | Email/Text: stephen@realmarkets.com | Jul 31 2024 00:25:00 | Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 20405 Exchange St, Suite 221, Ashburn, VA 20147 |

TOTAL: 2

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 01, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 30, 2024 at the address(es) listed below:

| Name | Email Address |
|--------------------|---|
| Andrew S Goldstein | on behalf of Creditor GITSIT Solutions LLC AGoldstein@mglspc.com, jcoffman@mglspc.com |
| Barry W. Spear | on behalf of Creditor Aero Mortgage Loan Trust 2019- 1 Barry.Spear@bww-law.com bankruptcy@bww-law.com |

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User: TaiGlennB
Form ID: pdford9

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Total Noticed: 4

| | |
|------------------------|--|
| Bradley J. Swallow | on behalf of Defendant Main Street Bank bswallow@fblaw.com |
| Christian K. Vogel | on behalf of Interested Party Primis Bank kvogel@vogelandcromwell.com |
| Christian K. Vogel | on behalf of Defendant Primis Bank f/k/a Sona Bank kvogel@vogelandcromwell.com |
| Christopher A. Jones | on behalf of Debtor Eagle Properties and Investments LLC cajones@whitefordlaw.com clano@whitefordlaw.com,dchaney@whitefordlaw.com |
| Christopher L. Rogan | on behalf of Defendant Shail Butani crogan@rmzlawfirm.com |
| Christopher L. Rogan | on behalf of Creditor Bala Jain LLC crogan@rmzlawfirm.com |
| Christopher L. Rogan | on behalf of Defendant Ishwer Butani crogan@rmzlawfirm.com |
| Christopher L. Rogan | on behalf of Defendant Bala Jain LLC crogan@rmzlawfirm.com |
| Corey Simpson Booker | on behalf of Creditor Atlantic Union Bank corey.booker@atlanticunionbank.com |
| Craig M. Palik | on behalf of Creditor Trinity Universal Insurance Company cpalik@mhlawyers.com cpalik@yahoo.com;dmoorehead@mhlawyers.com;cpalik@ecf.inforuptcy.com;kmadden@mhlawyers.com;mnickerson@mhlawye rs.com |
| David S. Musgrave | on behalf of Creditor Fulton Bank N.A. dmusgrave@gfrlaw.com, vhilbun@gfrlaw.com |
| David S. Musgrave | on behalf of Defendant Fulton Financial Corporation dmusgrave@gfrlaw.com vhilbun@gfrlaw.com |
| Dylan G. Trache | on behalf of Trustee H. Jason Gold dylan.trache@nelsonmullins.com linnea.hann@nelsonmullins.com;alexandria.tracy@nelsonmullins.com;mari.cooper@nelsonmullins.com |
| Elizabeth Husebo | on behalf of Defendant Daniel J. Kotz ehusebo@grsm.com |
| Elizabeth Husebo | on behalf of Defendant First Class Title Inc. ehusebo@grsm.com |
| Erik W. Fox | on behalf of Creditor Vienna Oaks Office Center Condominium efox@reesbroome.com rhurley@reesbroome.com;rchambers@reesbroome.com;pgoodwine@reesbroome.com |
| Gerard R. Vetter | ustpreion04.ax.ecf@usdoj.gov |
| H. Jason Gold | goldtrustee@fiduciaryservicesgroup.com VA19@ecfbis.com;hjc@trustesolutions.net;lgrahl@fsscommerce.com |
| Hannah White Hutman | on behalf of Creditor Bank of Clarke County hhutman@hooverpenrod.com scurtis@hooverpenrod.com;hooverpenrodplc@jubileebk.net |
| J. P. McGuire Boyd, Jr | on behalf of Defendant Bank of Clarke County mboyd@williamsmullen.com |
| J. P. McGuire Boyd, Jr | on behalf of Defendant Atlantic Union Bank mboyd@williamsmullen.com |
| J. P. McGuire Boyd, Jr | on behalf of Creditor Atlantic Union Bank mboyd@williamsmullen.com |
| Jack Frankel | on behalf of U.S. Trustee Gerard R. Vetter jack.i.frankel@usdoj.gov USTPRegion04.ax.ecf@usdoj.gov;Robert.W.Ours@usdoj.gov |
| James R. Meizanis, Jr. | on behalf of Creditor LINKBANK jmeizanis@bklawva.com jroot@bklawva.com;mnoble@bklawva.com |
| James R. Meizanis, Jr. | on behalf of Creditor Virginia Partners Bank jmeizanis@bklawva.com jroot@bklawva.com;mnoble@bklawva.com |
| Jeffery T. Martin, Jr. | |

District/off: 0422-9
Date Rcvd: Jul 30, 2024

User: TaiGlennB
Form ID: pdford9

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Total Noticed: 4

on behalf of Debtor Eagle Properties and Investments LLC jeff@martinlawgroupva.com
martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

Jeffery T. Martin, Jr.

on behalf of Plaintiff Eagle Properties and Investments LLC jeff@martinlawgroupva.com
martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

Jeffery T. Martin, Jr.

on behalf of Counter-Defendant Eagle Properties and Investments LLC jeff@martinlawgroupva.com
martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

Jeremy B. Root

on behalf of Creditor Virginia Partners Bank jroot@bklawva.com
tjones@bklawva.com;mnoble@bklawva.com;wcasterlinejr@bklawva.com;jmeizanis@bklawva.com

John E Reid

on behalf of Debtor Eagle Properties and Investments LLC jack@martinlawgroup.com jack@martinlawgroupva.com

John Tucker Farnum

on behalf of Interested Party SC&H Group jfarnum@milesstockbridge.com
jfarnumecfnotices@gmail.com;dbernard@milesstockbridge.com

Joshua David Stiff

on behalf of Debtor Eagle Properties and Investments LLC jstiff@wtplaw.com eslate@wtplaw.com;dchaney@whitefordlaw.com

Justin Fasano

on behalf of Creditor Gus Goldsmith jfasano@mhlawyers.com
jfasanoecf@gmail.com;jfasano@ecf.courtdrive.com;sshin@mhlawyers.com;dmoorehead@mhlawyers.com

Lee S Raphael

on behalf of Creditor Gitsit Solutions LLC ecfl@ecf.courtdrive.com, cmartin@pralc.com

Maurice Belmont VerStandig

on behalf of Professional Maurice VerStandig mac@mbvesq.com
lisa@mbvesq.com;verstandig.mauricer104982@notify.bestcase.com;verstandiglaw@recap.email

Nancy Greene

on behalf of Debtor Eagle Properties and Investments LLC ndg@ndglaw.com

Nancy Greene

on behalf of Plaintiff Eagle Properties and Investments LLC ndg@ndglaw.com

Nancy Greene

on behalf of Professional N D Greene PC ndg@ndglaw.com

Richard E. Hagerty

on behalf of Defendant Navy Federal Financial Group LLC richard.hagerty@troutmansanders.com,
sharron.fay@troutmansanders.com;natalya.diamond@troutman.com

Robert Hockenbury

on behalf of Creditor Shore United Bank robert.hockenbury@wbd-us.com

Robert M. Marino

on behalf of Defendant Shail Butani rmmarino@rpb-law.com rmmarino1@aol.com

Robert M. Marino

on behalf of Defendant Ishwer Butani rmmarino@rpb-law.com rmmarino1@aol.com

Robert M. Marino

on behalf of Creditor Bala Jain LLC rmmarino@rpb-law.com rmmarino1@aol.com

Stephanie Gardner Bortnick

on behalf of Defendant Daniel Kotz sbortnick@grsm.com

Stephanie Gardner Bortnick

on behalf of Defendant Daniel J. Kotz sbortnick@grsm.com

Stephanie Gardner Bortnick

on behalf of Defendant First Class Title Inc. sbortnick@grsm.com

Stephen W. Nichols

on behalf of Creditor Orrstown Bank snichols@offitkurman.com

TOTAL: 49